



Department of Energy
Washington, DC 20585

Re: Case No. KEF-0093

Dear Sir or Madam:

The Office of Hearings and Appeals (OHA) of the Department of Energy recently issued a Decision and Order concerning the disbursement of settlement funds received from the Shell Oil Company. Our records indicate that you may be eligible to receive a refund from the Shell funds based on your purchases of Shell refined petroleum products during the period March 6, 1973 through January 27, 1981. Accordingly, we have enclosed a suggested refund application form and a set of Questions and Answers designed to assist you in completing the application. We strongly recommend that you use the enclosed application form when applying for a refund.

We also have enclosed a record of your purchases of Shell products during the appropriate refund periods. The purchase record was based on computerized information provided to us by Shell. If you believe the data is accurate, please include the volume printout with your refund application. Alternatively, you may choose to use your own records to establish your purchases from Shell. If you purchased benzene, toluene, xylene or hydrocarbon solvents from Shell, you should inquire with the OHA about additional purchase volume information not included on the enclosed volume sheet.

Applications for Refund must be postmarked by November 30, 1989. Please send the original and one copy of your entire application to:

Shell Oil Company Refund Proceeding
Office of Hearings and Appeals
Department of Energy
1000 Independence Ave. S.W.
Washington, D.C. 20585

If you have any questions about the refund process, please contact Jon Leyens of the Office of Hearings and Appeals at telephone number (202) 586-2383.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas O. Mann", is written over the word "Sincerely,".

Thomas O. Mann
Deputy Director
Office of Hearings and Appeals

Enclosures

Questions and Answers Regarding the OHA SHELL OIL COMPANY Refund Proceeding

The following information is designed to assist those applicants who have basic questions about filing procedures. This information is comprehensive and does not respond to many of the specific questions that applicants for large refunds may have. For a more detailed discussion of the issues covered below, refer to the Shell Decision and Order.

INSTRUCTIONS FOR FILLING OUT A L REFUND APPLICATION AS

Applicants may use the suggested refund application form. Retailers must use a separate form for each gas station where a refund is claimed. If you need additional forms, copy the form supplied onto white paper.

ORIGINAL AND ONE COPY of the entire application must be submitted. Copies may be made on white paper.

Applications must be printed or typed. The completed applications should be mailed to:

Shell Oil Company Refund Proceeding
Office of Hearings and Appeals
Department of Energy
100 Independence Ave., S.W.
Washington, D.C. 20585

There is a \$15.00 minimum refund. If you purchased less than 10 gallons of Shell product, you will not receive a refund.

Applications must be postmarked by November 30, 1981.

COMMON QUESTIONS REGARDING REFUND APPLICATIONS

What is the time period during which my purchases are eligible for a refund?

For motor gasoline runs from March 6, 1973 through January 1981. Certain products have shorter periods (see Schedule of Purchases).

How will DOE calculate my refund?

In certain circumstances, applicants can receive a refund of \$15.00 for each eligible gallon of Shell product purchased. This is the "volumetric refund amount." If, for example, you purchased 5,000,000 gallons of Shell gasoline during the period from March 6, 1973 through January 1981, you can generally receive a refund of \$1,130 (plus interest) (5,000,000 gallons x \$1,130). DOE will make the final calculations.

(3) I was a consumer (end-user) of the products I purchased from Shell. What do I need to submit to receive a refund?

In order to receive a refund, answer all questions on pages 1 and 2 of the application form (answer "Not Applicable" to question 5) and provide a schedule of your purchases on the *Schedule of Purchases* (or provide a copy of your purchase volume data from Shell).

(4) I was a petroleum marketer of the products I purchased from Shell. What information do I need to submit?

If you were a petroleum marketer (retailer, reseller or refiner) who purchased 22,126,106 gallons or less of Shell products, you need only fill out the application form, including a schedule of your purchases from Shell.

If you purchased more than 22,126,106 gallons but less than 553,102,877 gallons of Shell products, you have two options. First, if you choose to have your refund calculated using the petroleum marketer injury presumptions, you need only fill out the application form and schedule of your purchases from Shell. You will then receive either \$5,000 or 40 percent of your "volumetric" refund, whichever is greater. On the other hand, if you do not choose to rely on these presumptions, you must demonstrate economic injury in accordance with the procedures outlined in the Shell Decision to receive a refund.

If you purchased more than 553,102,877 gallons of Shell products, you may limit your claim to \$50,000 (the maximum refund granted under the 40 percent presumption) and submit only the application form and the schedule of purchases. If you choose not to limit your claim to \$50,000, you must demonstrate economic injury in accordance with the Shell Decision and Order.

(5) I owned one gasoline retail outlet and I bought both gasoline and diesel fuel from Shell. How should I file an application?

You should fill out one application form. In Question 4 of the form you should state the sum of all Shell gallons purchased and list the different types of products. Then, attach a separate schedule to indicate and support the volume of each product purchased. If you owned two retail outlets, file two forms (with supporting schedules).

(6) My name is "John Smith." I was a Shell wholesaler and the name of my business was "ABC Petroleum Products." What name should I use to answer Question 1 on the application form (Name of Applicant)?

In this question, we are looking for the name of the firm that purchased the Shell product. Thus, if the product was purchased by the firm "ABC Petroleum Products," the answer to Question 1, "Name of Applicant," should be "ABC Petroleum Products."

(7) Question 9 on the application form refers to a private Section 210 action. What does this mean?

A Section 210 action is a private suit for damages filed under Section 210 of the Economic Stabilization Act. You would know if you were a party to such a suit. So if the term "Section 210 action" is unfamiliar to you, the answer to Question 9 is "No."

(8) Question 12 of the application form refers to Shell consignee agents. What is a Shell consignee agent?

A Shell consignee agent distributed products for Shell, but did not own the product. Generally, Shell specified the price that the agent could charge for the product and paid the agent based on a fixed fee per gallon delivered.

(9) I was a Shell consignee agent. May I use the petroleum marketer presumptions?

No. These presumptions are only for Shell resellers and retailers. We have presumed that consignees were not injured by Shell's alleged overcharges. If you were a Shell consignee, you should refer to the Shell Decision. See Question 8 above for description of a consignee agent.

(10) I received a copy of my Shell purchase from the Office of Hearings and Appeals. How do I fill out the third page of the application form, the schedule of purchases?

Just return the printout of your location. (You should

(11) If I did not receive a printout of my Shell purchase volumes and cannot determine my exact purchase volumes, can I use estimates of my Shell purchases?

Yes, provided that you tell us that you are using estimates and submit a full description of your estimation method. You should also indicate the location and types of records you used to prepare your estimate. In prior refund proceedings, we have accepted reasonable estimates that were based on fuel receipts, ledger entries and tax records.

(12) I have applied for (or received) a refund for my purchases of petroleum products in the DOE crude oil refund proceeding or from one of the escrow ac-

counts established by the Settlement Agreement in *In Re: The Department of Energy Stripper Well Exemption Litigation*, M.D.L. 378. Am I eligible for a Shell refund?

Yes. Refunds in the Stripper Well and DOE crude oil proceedings are based on all purchases of petroleum products. The funds in those proceedings were provided by enforcement of the DOE crude oil pricing regulations. This proceeding is based on alleged violations in sales of Shell refined petroleum products.

(13) Must I be represented by an attorney to file a refund application?

No. Most refund applications are filed directly by the individual or firm that purchased the petroleum products.

(14) How can I get a copy of the Shell Decision?

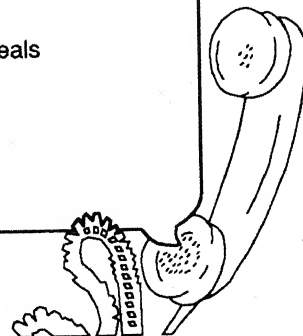
You may write or call the Office of Hearings and Appeals at the address or telephone number listed in Question 15 below. A copy of the Decision will be mailed to you.

(15) How long will it take before I receive a refund?

We cannot say for sure because we expect thousands of refund applications to be filed. Applications that are properly completed and contain all the required information will be processed promptly. We will begin processing the applications before the November 30, 1989 deadline.

Additional Questions?
Call or Write:

Jon Leyens
Office of Hearings and Appeals
U.S. Department of Energy
Washington, D.C. 20585
(202) 586-2383



**Suggested format for Application for
Shell Oil Company Refund -- RF 315**

RF 315 -

DOE use only

1. Name of Applicant Firm during
refund period (3/73-1/81):

Address during refund period:

2. To whom should refund check
be payable?

Address to which check should be
sent:

Contact Person:

Telephone No.:

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3. Type of Applicant:

Gas Station _____ Consignee Agent _____ Petroleum Jobber _____ Public Utility _____ Cooperative _____

Consumer _____ Other _____
(please specify business use) (please specify)

4. (a) Total gallonage for which refund is requested:

(b) Product(s) (e.g., gasoline, propane):

(c) Source of your gallonage information:

(If estimates, explain method on separate sheet.)

5. If you are a petroleum marketer (refiner, reseller, or retailer) and you purchase
of Shell products, do you elect to rely on the relevant petroleum marketer injury
Answer 4)? If you are an end-user (consumer), check "Not Applicable" below

Yes ☐

No ☐

Not Applicable (end-users check h

If you do not elect the relevant petroleum marketer injury presumption, or if you are re
attach the required "injury" showing. (See the Decision & Order for details on the injury

(Check One)

6. Was the product you bought Shell-branded? Yes ☐ No ☐
7. Were you supplied by Shell directly? Yes ☐ No ☐

If yes, please provide Shell customer number here_____. If no, (i) attach an explanation of why you believe the product was sold by Shell and (ii) include the name and address of the person or firm from which you purchased the product.

8. Is (was) your business owned all or in part by Shell? If yes, please explain. Yes ☐ No ☐
9. Have you been a party or are you currently a party in a DOE enforcement action or private Section 210 action? (See Q & A No. 7)
If yes, please attach an explanation. Yes ☐ No ☐
10. Have you or a related firm filed any other application for refund involving any Shell product in this proceeding? If yes, attach an explanation. Yes ☐ No ☐
11. Have you or a related firm authorized any individual(s) other than those identified on this form to file an application on your behalf in this Shell refund proceeding? If yes, attach an explanation. Yes ☐ No ☐
12. Were you a Shell consignee agent? (See Q & A No. 8)
If yes, attach information sufficient to rebut the presumption of non-injury for consignees (See Decision for details.) Yes ☐ No ☐
13. Did ownership of your firm change during or since the refund period? Yes ☐ No ☐
If you answered yes, please provide an explanation that includes the names and addresses of any previous or subsequent owners and submit a copy of the purchase and sales agreement.

I swear (or affirm) that the information contained in this application is true to my knowledge and belief. I understand that anyone who is convicted of providing false information to the Federal government may be subject to a jail sentence, a fine, or both, pursuant to 18 U.S.C. 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application which will be placed in the OHA Public Reference Room.

Date

Signature of Applicant

Title

515
75

Name of Applicant: _____

	1973	1974	1975	1976	1977	1978	1979	1980	1981
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[illegible]

DUCT: _____ GALLONS _____

(64,160 gallons total purchases).

after that product's date of decontrol. (See below for decontrol dates)

illed	Product	Date Decontrolled
81	Benzene and Toluene	September 1, 1976
	Diesel Fuel, Kerosene	July 1, 1976
	No. 1 and No. 2 Heating Oil	July 1, 1976
	Residual Fuel	June 1, 1976
	Ethane and Asphalt	April 1, 1974